

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SHAKIR SWAIN,	§
	§ No. 149, 2018
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID 1512019137B (K)
Plaintiff Below-	§
Appellee.	§

Submitted: May 21, 2018

Decided: May 29, 2018

Before **VAUGHN, SEITZ, and TRAYNOR**, Justices.

**ORDER**

This 29<sup>th</sup> day of May 2018, upon consideration of the appellant's opening brief and the State's motion to remand, it appears to the Court that:

(1) The appellant, Shakir Swain, filed this appeal from a Superior Court order denying his motion for correction of illegal sentence. In his opening brief on appeal, Swain argues that his 25-year sentence for Possession of a Firearm by a Person Prohibited is illegal because the maximum sentence that could have been imposed under the relevant statutes, given Swain's prior criminal history, was 15 years.

(2) The State did not file an answering brief, but instead filed a motion for remand, conceding error and requesting that the matter be

remanded to the Superior Court for resentencing. Under the circumstances, the Court agrees.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is VACATED, and this matter is REMANDED for resentencing. Jurisdiction is not retained.

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Justice